

Attorney's Docket No.: 13985-056001

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Terry B. Strom *et al.*

Art Unit : 1647

Serial No. : 09/855,313

Examiner : Fozia M. Hamud

Filed : May 14, 2001

Title : COMPOSITION AND METHODS FOR ACHIEVING IMMUNE SUPPRESSION

Commissioner for Patents

Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office action mailed October 1, 2002, Applicants elect the invention of Group I (Claims 1-11 and 13-17). The election is made with traverse. For the reasons that follow, Applicants respectfully request that the invention of Group VIII (claim 42) be examined concurrently with the invention of Group I.

The claims grouped in Group I and the claim grouped in Group VIII are related, as they cover products and processes of making those products, respectively. The Examiner stated that the inventions are unrelated because the method of Group VIII "neither uses nor produces the products of Groups I-V." (presumably, I-IV, since the claims of Group V do not cover a product) (Office Action at page 4, lines 5-9). However, the single claim in Group VIII covers a method of making a therapeutic composition by combining a mutant IL-15 polypeptide that binds a subunit of an IL-15 receptor and a polypeptide that binds a B7 molecule. This process produces the product covered by the claims of Group I (claims 1-11 and 13-17). Claim 1 covers a therapeutic compositions comprising a first agent that targets an IL-15 receptor (the mutant IL-15 polypeptide of claim 42 does this) and a second agent that inhibits a costimulatory signal transmitted between a T cell and an antigen-presenting cell (the polypeptide that binds a B7 molecule (see claim 13) does this). Accordingly, the claims divided into Groups I and VIII are related, and Applicants ask that claim 42 be examined together with the claims of Group I.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 3, 2002  
Date of DepositJohn Kim  
SignatureJohn Kim  
Typed or Printed Name of Person Signing Certificate

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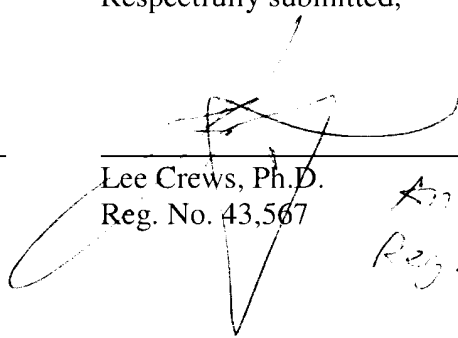
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The Examiner also stated that "[I]nventions I-V [presumably Inventions I-IV, see above] are independent and distinct, each from the other, because they are products which possess characteristic differences in structure and function and each has an independent use" (Office action at page 3). For the record, Applicants wish to point out that the therapeutic compositions covered by the claims in Groups I-IV may, but do not necessarily, have independent uses (independent uses and independent mechanisms of action are separate issues).

Enclosed is a Petition for an Extension of Time to extend the period of response to December 2, 2002 (December 1, 2002, being a Sunday). Also enclosed is a check in the amount of \$55 for the required fee. If there are any other charges, or any credits, please apply them to Deposit Account No. 06-1050, referencing Attorney Docket No. 13985-056001.

Respectfully submitted,

Date: DEC 11 2001

  
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